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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,320	02/19/2004	Andrew C. Goris	100110178-1	6135

22879	7590	01/11/2008
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INTELLECTUAL PROPERTY ADMINISTRATION		
FORT COLLINS, CO 80527-2400		

EXAMINER	
AGGARWAL, YOGESH K	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
01/11/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/782,320

Applicant(s)

GORIS ET AL.

Examiner

Yogesh K. Aggarwal

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 7-12 is/are allowed.
- 6) ☒ Claim(s) 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 13, 14 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US PG-PUB # 20020080245) in view of Takeuchi (US PG-PUB # 20030112342).

[Claim 13]

Parulski teaches image capture circuitry (figures 10 and 11, capture electronic image 24) configured to produce captured image signals (figure 11);

a primary image of a standard target useful for calibrating white balance adjustment (e.g. an ambient light image is captured 40 having a designated illuminant, Paragraph 120, figures 10 and 11) and

a secondary image of a non-standard target useful for calibrating white balance adjustment (the ambient light image is also captured 24, See Paragraph 120, figures 10 and 11); and

field capture image of the nonstandard calibration data (earlier captured electronic image or next image as taught in Paragraph 121 to which the compensation is applied),

white balance processing circuitry that adjusts white balance by relating the representation of the primary image to the representation of the secondary image to the field image (Paragraph 120 teach that color value of the ambient light is measured and matched with a reference illuminant that includes the designated illuminant and Paragraph 121 teaches that this value is applied to the filed image which is the previous image or the next image).

Parulski fails to teach storing primary and secondary images. However Takeuchi teaches a digital camera that stores the primary image d206 and reference image data d220 into the memories 250 and 270 (Paragraphs 86-90, figure 1).

Therefore taking the combined teachings of Parulski and Takeuchi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have stored primary and secondary images as taught in Takeuchi to be used in the system of Sakata in order to reduce the calculation burden on a reproduction device such as a PC that is connected to the camera (Paragraphs 104-105).

[Claim 14]

Parulski teaches wherein the image capturing circuitry is CMOS or CCD (Paragraph 66).

[Claim 17]

Parulski teaches wherein the color balance processing circuitry implements an empirical algorithm that relates a primary image obtained from a standard calibration target to a field image obtained from a non-standard calibration target (Paragraphs 120 and 121).

4. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US PG-PUB # 20020080245), Takeuchi (US PG-PUB # 20030112342) and in further view of Sakata et al. (US Patent # 5,119,178).

[Claim 15]

Parulski fails to teach wherein the means for adjusting white balance include signal processing circuitry capable of changing variable gain coefficients. However Sakata teaches wherein the means for adjusting white balance include signal processing circuitry capable of changing variable gain coefficients (col. 3 lines 44-48). Therefore taking the combined teachings of Parulski and Sakata, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used signal processing circuitry capable of changing variable gain coefficients in order to have a user-friendly process that easily the changes the color balance.

[Claim 16]

Parulski in view of Takeuchi fail to teach wherein the white balance processing circuitry is operable for determining at least one variable gain coefficient for a field image, determining at least one variable gain coefficient for the primary image, relating the variable gain coefficient for the field image to the variable gain coefficient for the primary image to produce an adjusted variable gain coefficient, and supplying the adjusted variable gain coefficient to the means for adjusting white balance.

However Sakata teaches wherein the white balance circuitry is operable for determining at least one variable gain coefficient for the primary image (col. 3 lines 25-32), changing the variable gain coefficient for the primary image to produce an adjusted variable gain coefficient (col. 3 lines 44-49), and supplying the adjusted variable gain coefficient to the means for

adjusting white balance (col. 3 lines 50-57 teach that after the gains of the variable gain amplifier is adjusted the lens cap is removed by the user, the image on the viewfinder is viewed by the user. It is noted that this image would inherently have the white balance that is adjusted in the step taught in col. 3 lines 25-49). By varying the gains of the amplifiers to make the reference color chart equal to the field image of the lens cap color chart, the determination of gains in the primary and field image has to be determined. Therefore gains for both primary image and field are determined and based on that the gains of the amplifiers are varied to make the reference color chart equal to the field image of the lens cap color chart.

Therefore taking the combined teachings of Parulski, Takeuchi and Sakata, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the white balance processing circuitry is operable for determining at least one variable gain coefficient for a field image, determining at least one variable gain coefficient for the primary image, relating the variable gain coefficient for the field image to the variable gain coefficient for the primary image to produce an adjusted variable gain coefficient, and supplying the adjusted variable gain coefficient to the means for adjusting white balance in order to have a user-friendly process that easily the changes the color balance thereby calibrating the imaging device quickly.

Allowable Subject Matter

1. Claims 1-6 and 8-12 are allowed. The reasons for allowance are mentioned in a previous office action.

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Art Unit: 2622

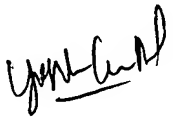
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA 
January 6, 2008